



May 14, 2013

Board of Building Regulations & Standards
One Ashburton Place
Room 1301
Boston, MA 02108
Attn: Mike Guigli

Re: NAIOP Comments on IECC 2012

Dear Board Members:

NAIOP Massachusetts, the Commercial Real Estate Development Association, appreciates the opportunity to submit comments on the proposed changes to the Commonwealth's statewide energy code. The Green Communities Act, passed in 2008, contained numerous provisions to ensure Massachusetts will be a national leader in energy efficiency. One example was the requirement under G.L. c. 143, § 94 (o) that Massachusetts adopt the International Energy Conservation Code (IECC) as the statewide energy code. Furthermore, it requires the energy provisions of the State Building Code to be updated within one year of any revision to the IECC, ensuring that Massachusetts will have the most aggressive energy efficiency goals in the nation.

In 2011 and 2012, recognizing these aggressive goals, Massachusetts was named by the American Council for an Energy-Efficient Economy (ACEEE) as the most energy efficient state in the nation. NAIOP members are committed to energy efficiency and, whenever practicable, build and operate properties in an energy efficient manner. Many NAIOP members have pursued LEED certification and some use renewable energy technologies, when feasible. It is important to note, however, that increased energy efficiency means increased costs upfront for the building owner, with the benefits accruing to the building tenants. The increased rents needed to ensure payback within a reasonable timeframe may not always be attainable depending on market conditions.

Given the statutory requirement under the Green Communities Act, NAIOP understands the Commonwealth is required to adopt the latest version of the IECC. However, we urge the Board to recognize the costs associated with this and future upgrades required under the law. According to Chapter 143, §95 of the Massachusetts General Laws, the Board of Building Regulations and Standards was created to develop:

- *Uniform standards and requirements for construction and construction materials, compatible with accepted standards of engineering and fire prevention practices, energy conservation and public safety and to **eliminate** the use of restrictive, obsolete, conflicting and **unnecessary building regulations and requirements** which may **increase the cost of construction** and maintenance.*

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The proposed code change will result in approximately a 20% increase in energy efficiency statewide. There is no question there will be increased costs associated with this change. If the energy performance bar is continually raised, further increases may become too costly or impossible to achieve.

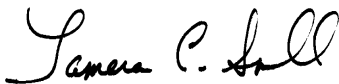
In addition to the hard costs associated with this change, a real issue for builders, contractors, engineers, and architects is the frequency of changes to the code. The adoption of the IECC 2012 statewide will necessitate a learning curve for these professionals. Local building officials will need to keep up with all of these changes to be able to properly interpret and enforce them.

For these reasons, we urge the Board to closely consider the full cost impact of each code change proposal and to monitor the impact of the most recent code upgrades before adopting the next version. This is a critical component of the Governor's regulatory reform initiative.

Finally, but most importantly, we urge the Board to **eliminate the Stretch Energy Code**. Many of the current Stretch Code communities were told they would be on a "level playing field" with the rest of the state once the 2012 IECC was adopted. This should be stated clearly. The adoption of IECC 2012, combined with the planned upgrades to the code, renders the stretch code unnecessary. While G.L. c. 143, § 94 (o) requires the energy provisions of the State Building Code to be updated within one year of any revision to the IECC, there is nothing in the Green Communities Act that requires an updating of the Stretch Energy Code. In fact, there is nothing in the Green Communities Act that even references the Stretch Energy Code. The statewide building code was created to provide **uniformity**, predictability and clarity statewide (Massachusetts General Laws Chapter 143 §93 - 100). Now is the time to implement that goal.

NAIOP represents the interests of more than 1400 members involved with the development, ownership, management, and financing of more than 150 million square feet of office, research & development, industrial, mixed use, and retail space in the Commonwealth. Thank you for the opportunity to provide comments. I regret that I could not attend today's hearing. Please contact me if you have any questions or would like additional information.

Sincerely,
NAIOP Massachusetts

A handwritten signature in black ink, appearing to read "Tamara C. Small". The signature is fluid and cursive, with the first name being the most prominent.

Tamara C. Small
Director of Government Affairs